CONSEIL DES COMMUNAUTÉS CULTURELLES ET DE L'IMMIGRATION DU QUÉBEC

AVIS

à la Ministre des Communautés culturelles et de l'immigration

AFFIRMATIVE ACTION PROGRAMS FOR CULTURAL COMMUNITIES

MILESTONE TO AN HARMONIOUS SOCIETY

Québec

ADVICE

PRESENTED TO THE MINISTER OF CULTURAL COMMUNITIES

AND IMMIGRATION OF QUÉBEC

AFFIRMATIVE ACTION PROGRAMS

FOR CULTURAL COMMUNITIES

Milestone to an harmonious society

Advice adopted at the
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of the Conseil des Communautés
culturelles et de l'Immigration

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1. LEGAL CONTEXT

- Whereas sections 86.1 and 86.7 of the Québec Charter of Human Rights and Freedoms stipulate:

> 86.1 The object of an affirmative action program is to remedy the situation of persons belonging to groups discriminated against in employment, or in the sector of education or of health services and other services available to the public.
>
> An affirmative action program is deemed non-discriminatory if it is established in conformity with the Charter.
>
> 86.7 The Government must require its departments and agencies to implement affirmative action programs within such time as it may fix.

- Since the Regulation respecting Affirmative Action Programs came into force in Québec on September 1, 1986;

- Given the Québec Government's declaration on interethnic and interracial relations;

- Given the under-representation of cultural communities in the Québec public sector;

2. CONSIDERATIONS

- Considering that the Québec Government has a leadership role to play in promoting a just and equitable society and must set an example;

- Considering that public agencies, because of their socioeconomic importance, constitute an ideal and symbolic venue for the implementation of affirmative action policies;

- Considering that municipal governments and agencies and school boards, because of the central part they play in the daily lives of citizens are visible, indispensable centres for implementing these measures; and given the high concentration of members of the cultural communities in the Montréal region;

- Considering the key role of communications in the way a society presents itself and the leadership role of the major media in this matter;

- Considering that the Québec Government has prepared an action plan to provide support for private business firms, municipalities, and establishments in the education, health and social services networks that might voluntarily become involved in affirmative action programs for women;

- Considering that women from cultural communities, particularly those belonging to the visible minorities and those from Southern Europe, may be doubly discriminated against, i.e. as women and as members of cultural communities;

3. RECOMMENDATIONS

The Conseil des Communautés culturelles et de l'Immigration recommends, as part of the measures taken to establish affirmative action programs for members of cultural communities, that priority be given to the following:

3.1 Adoption of Affirmative Action Programs in the Québec Public Service (Government departments and agencies) for ethnic and racial minorities who are victims of discrimination. The Conseil recommends that the Government set a time period, not exceeding one year for implementation of the programs.

3.2 Adoption of the measures required to amend the Action Plan in matters concerning affirmative action for women in employment to include a provision aimed at the adequate representation of women from cultural communities, targeting as a priority those women from the visible minorities and from Southern Europe."

3.3 Adoption of means and implementation of measures, by the Government, leading to the establishment of affirmative action programs by:

3.3.1 Government agencies and corporations;

" This proposal was adopted by the CCCI at its June 18, 1987 meeting.

3.3.2 the municipal public service as well as municipal agencies and school boards in the Montréal region, the MUC and its agencies, the MUCTC and the MUC Police Service.

3.4 Adoption of a contractual obligation policy intended for enterprises and agencies employing 50 people or more, which bid for government contracts or apply for grants of $100 000 or more. In carrying out this policy, the government should require the enterprises or agencies submitting tenders to first obtain a certificate attesting to their commitment to setting up a program, if studies of the personnel show an under-representation of target groups. This program must comply with the Québec Regulation respecting Affirmative Action Programs, in effect since September 1986.

3.5 Adoption of a program to encourage private firms, particularly in the communications field, to set up affirmative action programs designed for target groups.

3.6 The Conseil recommends that all programs comply with the Regulation respecting Affirmative Action Programs, which came into effect on September 1, 1986.

4. SUPPLEMENTARY MEASURES

Implementation of these recommendations presupposes setting up certain supplementary and support measures, including:

4.1 Adoption by the Government of a definition of the term "agency" (see section 86.7 of the Québec Charter of Human Rights and Freedoms), covering public agencies such as parapublic health agencies, the social affairs network, school boards and other education network establishments that may avoid the legal obligation and the contractual obligation of establishing an affirmative action program in accordance with section 86.7 of the Charter. In this way Québec's major socioeconomic agents might be included, and this may have a symbolic value for cultural communities in terms of their role in Québec society.

4.2 Designation of an agency to take responsibility for implementing the contractual obligation policy; this role must not conflict with the agency's main mandate.

4.3 Launching of an information and awareness campaign for target groups, as well as for the general public on affirmative action program objectives, needs of target groups and social and economic benefits for Québec society as a whole, in order to further the equitable integration of these groups.

4.4 Adoption of incentives similar to those created for women, such as technical and financial assistance for businesses, agencies and municipalities that commit themselves to setting up affirmative action programs.

4.5 Creation of an assistance fund, comparable to that established for women, to support persons and agencies wishing to lodge a complaint of racial or ethnic discrimination within the scope of the Charter of Human Rights and Freedoms.

4.6 Creation of the position of intercultural relations advisor under the Conseil exécutif. The incumbent would be required to promote information, sensitization and adaptation as part of affirmative action programs.

4.7 Adoption of measures to increase offers of service in the Public Service from members of cultural communities.

4.8 Adoption of measures to ensure that French language courses are made available to members of cultural communities on probation in the Public Service.

4.9 Creation of a system of training periods in the Public Service for members of cultural communities, especially those holding foreign diplomas.

4.10 Creation of a mechanism to evaluate the program annually.

4.11 Setting up of an implementation committee that will also serve in an advisory capacity. This committee must include in its membership adequate representation by the target groups.

4.12 Setting up of a procedure for consultation with accredited unions to ensure the harmonious integration of affirmative action programs.

4.13 Dissemination, by the Commission des droits de la personne, of information about the legal justification for carrying out studies on the personel working in Government departments, in agencies and in private business with a view to setting up affirmative action programs.

5. PRIORITIES

Given the extent of the problem and the foreseable difficulties in implementing programs and attendant delays, it is essential to establish priorities in order to counter the most obvious effects of the discrimination suffered by ethnic and racial groups, in particular the visible minorities and target groups from southern Europe, in the key sectors of Québec society.

5.1 Priority to be given to the following sectors:

a) the Public Service of Québec;

b) health and social services;

c) the major media (public and private);

d) the municipalities and school commissions.

5.2 Adoption of measures to encourage the institution of affirmative action programs in the public service of the City of Montréal, the municipalities and school commissions in the Montréal region, and the Montréal Urban Community and its services, the police and transportation network, for example. Priority should be given to municipalities in which there is a high concentration of members of target groups.

5.3 Setting up as priority target groups the visible minorities and groups from Southern Europe. These are (in alphabetical order):

- the Cambodians
- the Chinese
- the Koreans
- the Spanish
- the Greeks
- the Indonesians
- the Indo-Pakistanis
- the Italians
- the Japanese
- the Laotians
- the Latin Americans
- the Blacks, from whatever country
- the South Sea Islanders
- the Filipinos
- the Polynesians
- members of other groups from the Pacific Islands
- the Portuguese
- people from the Near and Middle East and from North Africa
- the Vietnamese
- other groups from Southern Asia

APPENDIX

COMMITTEE ON CULTURAL COMMUNITIES

Chairman	Dominique de Pasquale
Members	Mercédès Barcelo-Chornet Théoharis Fournaris Julien Harvey Léon Ouaknine Luigi Tesolin Kofi Sordzi Juanita Westmoreland-Traoré member ex-officio Raymond Paquin Vice-Président for Immigration
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MEMBERSHIP OF THE CONSEIL DES COMMUNAUTÉS CULTURELLES ET DE L'IMMIGRATION DU QUÉBEC

President	Juanita Westmoreland-Traoré
Vice-President for Cultural Communities	Dominique de Pasquale**
Vice-President for Immigration	Raymond Paquin
Members	Robert Attar Mercédès Barcelo-Chornet My Tram Duong Théoharis Fournaris Julien Harvey Jean Isseri Miguel Montérichard Maria-Fernanda Oliveira Eugène Oryschuk Léon Ouaknine Kofi Sordzi Luigi Tesolin

Also attending the Conseil meetings as non-voting members:

Norman Riddell, Deputy Minister of Cultural Communities and Immigration

Jacques Johnson, Secretary of the Conseil

** M. Dominique de Pasquale resigned from the Conseil May 11, 1988.

Mme Raymonde Folco was named Vice-President for Cultural communities September 26, 1988.

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